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March 20, 2015

VIA ECF

Hon. Katherine B. Forrest
United States District Judge
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Bloomington Jewish Educ. Ctr. v. Village of Bloomington*, No. 14-CV-7250 (KBF)

Dear Judge Forrest:

On behalf of Plaintiffs, I write with respect to the Motion to Quash Non-Party Discovery Subpoenas [Doc. No. 83] filed today by third parties, the Rural Community Coalition, Inc., Holly Roche, Teek Persaud, and Anita Hoppe (collectively, the "RCC").

The RCC's Motion to Quash, which includes both a seven-page memorandum of law and an eleven-page attorney affirmation, appears to contravene the Court's Individual Rules of Practice, which provides that "[d]iscovery disputes are not raised by motion unless directed by the Court." Individual Rule of Practice in Civil Cases 2.B. The Individual Rules further provide that following a telephonic meet and confer, discovery disputes should be presented to the Court only through a letter-motion of no more than three pages. *Id.* 2.F. Plaintiffs brought this issue to the attention of counsel for the RCC and proposed that he re-submit his motion in a manner that would comply with the Court's Rules. *See* Mar. 20, 2015 E-mail from Ben Rose, Esq. to Alan M. Goldston, Esq. (Ex. A). Counsel for the RCC did not reply to the e-mail.

Plaintiffs respectfully request that the Court strike the RCC's Motion and direct the RCC to file a letter-motion that complies with the Court's Individual Rules of Practice.

Respectfully submitted,


Steven A. Engel

Enclosure

cc: Counsel of Record (via ECF)

Exhibit A

Rose, Benjamin

From: Rose, Benjamin
Sent: Friday, March 20, 2015 1:27 PM
To: 'nycounsel@msn.com'
Cc: 'bsokoloff@sokoloffstern.com'; 'ldorfman@sokoloffstern.com'; 'jcross@zarin-steinmetz.com'; 'JHenry@woh.com'; 'steve@tbulaw.com'; Engel, Steven; Park, Michael; Hacker, Jamie
Subject: Bloomingburg Jewish Center v Bloomingburg 14-cv-07250

Alan,

We are in receipt of the Motion to Quash that you filed earlier today. That Motion appears to conflict with Judge Forrest's Individual Rules of Practice in Civil Cases, which prohibit motions concerning discovery disputes and require instead that such matters be raised through letter briefs of not more than three pages. Specifically, Individual Rule 2, governing Motions states:

Discovery disputes are not raised by motion unless directed by the Court. . . . the Party seeking relief may make a letter-motion setting forth the dispute. Such letter-motion shall be no longer than three (3) single-spaced pages (exclusive of letterhead and signature block(s)), explaining the nature of the dispute, the meet-and-confer process, the relief requested (in bold), and the party's rationale.

Individual Rule 2.B., F.ii.

Do you have a different interpretation of the Court's rule? Given the Court's rules, we believe that the appropriate course would be for you to withdraw your Motion to Quash and to re-submit the motion as a letter brief that is consistent with the Court's rules. Should you fail to do so by 5 p.m. today, Plaintiffs will submit a letter to the Court identifying these procedural deficiencies and requesting that the Motion be struck.

Best regards,

Ben Rose

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